

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Claim Status:

Claims 5 and 39 have been cancelled previously without prejudice or disclaimer. Thus, claims 1-4, 6-38 and 40-46 are pending in the application and stand finally rejected.

Correction to Claim 19:

As indicated above, the present amendment is filed following a Notice of Appeal, but prior to the Appeal Brief, in the above-identified patent application. In preparing the Brief in this application, Applicant noted that claim 19 contained a typographical error in that the word “than” should read “then.”

This error had not been noticed previously by Applicant or the Office. The error is merely typographical and has no bearing on the substance or the issues presented on appeal in this application. Consequently, Applicant/Appellant now files the present amendment under 37 C.F.R. § 41.33 to address the oversight.

37 C.F.R. §41.33

Because the present amendment is filed prior to an Appeal Brief, 37 C.F.R. §41.33 directs that the amendment be entered under the provisions of 37 C.F.R. § 1.116. Therefore, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in better condition for appeal by correcting a clear error. The amendment does

not raise new issues requiring further search or consideration. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and § 41.33 and is hereby requested.

Conclusion:

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: January 8, 2009

/Steven L. Nichols/

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